

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
October 19, 2010
Elisabeth A. Shumaker
Clerk of Court

In re:

JOSE SANTANA,

Movant.

No. 10-1470

ORDER

Before **KELLY, O'BRIEN**, and **HOLMES**, Circuit Judges.

Jose Santana seeks authorization to file a second or successive 28 U.S.C. § 2254 petition, but he admits in his motion for authorization that all of the claims he seeks to raise were raised in a prior petition. *See* Mot. for Auth. at 6-7(c). We may not grant authorization for claims that have been presented in a prior § 2254 petition. *See* 28 U.S.C. § 2244(b)(1) (“A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.”); *see also Gonzales v. Crosby*, 545 U.S. 524, 530 (2005) (“Under § 2244(b), the first step of analysis is to determine whether a ‘claim presented in a second or successive habeas corpus application’ was also ‘presented in a prior application.’ If so, the claim must be dismissed.”). Accordingly, we DENY Mr. Santana’s motion for authorization.

This denial of authorization is not appealable and “shall not be the subject of a petition for rehearing or for a writ of certiorari.” 28 U.S.C. § 2244(b)(3)(E).

Entered for the Court,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a horizontal flourish.

ELISABETH A. SHUMAKER, Clerk